

**STATE DRIVING BUSINESSES LICENSURE BOARD**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Conference Call Minutes of 3/5/2015**

**BOARD MEMBERS PRESENT:** Sally K Phillips - Chair  
Theresa Ann Bradford  
Jason Jerome  
Wayne Patrick Johnson  
Lon Arthur Pyper Sr.

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, Legal Counsel

**OTHERS PRESENT:** Doug Pottenger  
Randy Willie, President IAPDB  
Mike Ryals  
Mike Arnell

The meeting was called to order at 2:00 PM MST by Sally K Phillips.

**APPROVAL OF MINUTES**

Mr. Jerome made a motion to approve the minutes of 12/18/2014. It was seconded by Mr. Johnson. Motion carried.

**LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. She said that the Bureau had submitted two and both passed the House and are going to the Senate. HB117 is the statute dealing with renewal and reinstatement of licenses. It will increase the reinstatement fee, but remove the requirement to pay the renewal for each year the license was expired. It will also clarify the reinstatement of licensees who have been expired over five years. HB116 was in response to a Supreme Court decision that required the statute give clear authority when imposing attorney fees in disciplinary matters. Ms. Cory also reported that SB1120 regarding the student permit fee was printed and distributed to the Board for its review. Mr. Willie reported he had just come from the Senate Transportation Committee and the bill was sent to the floor of the Senate with a do/pass recommendation. If the bill passes, the Department of Transportation will reimburse the Board \$5.00 per

private driving student. Ms. Cory stated that when contacted about this bill, she referred them to the Division of Financial Management (DFM) regarding the transfer of the fees. Mr. Johnson was concerned that there was no notification or review of this bill prior to its presentation and printing. Ms. Cory explained that the bill was proposed by the association. Ms. Phillips suggested to Mr. Willie that the Association contact the licensed schools regarding the existence of and contact information for the Association as well as provide information on the proposed legislation.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a negative balance of (\$13,683.27) as of 2/28/2015, but that the Board is heading in the right direction. Ms. Hall will contact Mr. Johnson and explain the information available on the financial report screen.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **FOR BOARD DETERMINATION**

Mr. Jerome made a motion to approve the Bureau's recommendation and authorize closure with and advisory letter in cases I-DRB-2014-5 and I-DRB-2014-11. It was seconded by Ms. Bradford. Motion carried with Mr. Johnson opposed.

Mr. Pyper made a motion to approve the Bureau's recommendation and authorize closure with an advisory letter in cases I-DRB-2014-8 and I-DRB-2014-9. It was seconded by Mr. Johnson. Motion carried with Ms. Bradford opposed.

Ms. Peel asked the Board about its interest in the use of a cognizant member of the Board or a pre-reviewer that would be someone with the expertise in the profession to review complaints to determine if investigation is needed. By using a cognizant member of the Board it may conflict with quorum issues during meetings as the cognizant member will have to recuse themselves from making a determination. By using a pre-reviewer it would help eliminate that problem.

Mr. Willie addressed the Board regarding the investigative process. The Association feels that the process is important to ensure that licensees are in compliance. The association has three recommendations: 1) That the complaints go to the Board up front especially where frivolous or accidental oversights occurs so the Board can dismiss cases before investigative costs are initiated; 2) always explain to the Respondent what the complaint is about; 3) Businesses should be able to defend themselves before the investigation is conducted.

Discussion was held on the complaint process including the benefit of the pre-reviewer approach that other boards have. Ms. Peel said that many complaints are filed by one business against another. Mr. Willie said that due to the number of complaints received from schools against other schools, it may be a good idea to remind them that frivolous complaints drive up the investigative costs. Mr. Pyper made a motion that the Chair be authorized to work with Ms. Peel regarding the review of names for pre-reviewers recommended by members of the Board and to allow them to find others if the recommendations do not generate a big enough pool to put a list of pre-reviewers together. It was seconded by Ms. Bradford. Motion carried.

## **OLD BUSINESS**

To Do List – The Board reviewed the to do list and no action was taken.

## **NEW BUSINESS**

Next meeting date is set for 9/25/2015 beginning at 2:00 p.m. in conjunction with the state association meeting. Conference calls may be scheduled as needed prior to the meeting.

Two on-line education courses were reviewed. These will be tabled until the next meeting to allow the Board members time to further research and review the programs.

## **EXECUTIVE SESSION**

Mr. Pyper made a motion that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Johnson. The vote was: Ms. Bradford, aye; Mr. Johnson, aye; Mr. Jerome, aye; Mr. Pyper, aye; and Ms. Phillips, aye. Motion carried.

Mr. Pyper made a motion to come out of executive session. It was seconded by Ms. Bradford. The vote was: Ms. Bradford, aye; Mr. Johnson, aye; Mr. Pyper, aye; and Ms. Phillips, aye. Motion carried.

## **APPLICATIONS**

Mr. Pyper made a motion to approve the apprenticeship program for All About Safe Driving effective 3/26/2015. It was seconded by Mr. Johnson. Motion carried.

Mr. Pyper made a motion to approve applicant #901137859 pending receipt of a satisfactory background check. It was seconded by Ms. Bradford. Motion carried.

Mr. Pyper made a motion to approve applicant #901137704 pending receipt of a satisfactory background check. It was seconded by Ms. Bradford. Motion carried.

Ms. Bradford made a motion to approve Yvonne Golden for licensure as a Driving Instructor. It was seconded by Mr. Johnson. Motion carried with Ms. Phillips recused.

Mr. Pyper made a motion to approve Paul Jones for licensure as a Driving Instructor. It was seconded by Ms. Bradford. Motion carried.

Ms. Bradford made a motion to approve Continuing Education for reinstatement of license for two licensees and to follow up with the documents for hours on another to be reviewed by the Board Chair. It was seconded by Mr. Johnson. Motion carried.

**NEXT MEETING** was scheduled for September 25, 2015 at 2:00 p.m..

#### **ADJOURNMENT**

Mr. Pyper made a motion to adjourn the meeting at 4:39 p.m. It was seconded by Ms. Bradford. Motion carried.

---

Sally K Phillips, Chair

---

Theresa Ann Bradford

---

Jason Jerome

---

Wayne Patrick Johnson

---

Lon Arthur Pyper Sr.

---

Tana Cory, Bureau Chief